



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. Gau

Application No.: 10/060,862

Filed: January 30, 2002

For: **INTERVERTEBRAL NUCLEUS PROSTHESIS AND SURGICAL PROCEDURE FOR IMPLANTING THE SAME**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C 20231 on June 11, 2002.

By: Carol Prentice
Carol Prentice

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 37 C.F.R. 1.53

Dear Sir:

Enclosed are the following items for filing in the above-referenced U.S. patent application:

- ☒ A check in the amount of \$1,110 to cover the total filing fee (\$870 - including the surcharge set forth in 37 C.F.R. 1.17(i)); the surcharge set forth in 37 C.F.R. 1.16(e) (\$130); and One-Month Extension of Time fee (\$110);
- ☒ **Prior to the calculation of the filing fee, please enter the Preliminary Amendment filed herewith.**

Basic Fee -								\$	740.00
Multiple Dependent Claims (270.00)									
Foreign Language Surcharge (\$130.00)								\$	130.00
	For	No. Filed	-	No. Extra	-	Rate			
EXTRA	Total Claims	10	20		x	\$.	=	\$	
CLAIMS	Independent Claims	1	3		x	\$.	=	\$	
TOTAL FILING FEE								=	\$ 870.00

- ☒ Return receipt postage prepaid postcard;
- ☒ Formalities Letter (Part 2) mailed March 20, 2002;
- ☒ Petition and Fee for One-Month Extension of Time Under 37 C.F.R. 1.136(a);
- ☒ Preliminary Amendment;
- ☒ Verified English translation of the specification and claims (15 pages) - Applicant hereby requests that the verified English translation of the specification, as amended by the Preliminary Amendment submitted herewith, be used as the copy for examination purposes in the Patent Office;
- ☒ Declaration and Power of Attorney, signed by the Applicant on May 13, 2002;
- ☒ Certified copy of priority document, French patent application no. 99/10167, together with transmittal letter;
- ☒ Information Disclosure Statement, together with Form PTO-1449 and copies of the cited documents.

Having now complied with all of the requirements of 37 C.F.R. Section 1.53, Applicant respectfully requests that this application be placed upon the files for examination.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
755 Main Street, Bldg. 8
Monroe, CT 06468
(203) 459-0200

Date: June 11, 2002

ATTORNEY DOCKET NO.: HOE-676

20060611-1060862



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/060,862	01/30/2002	Michel Gau	HOE-676

20028
LAW OFFICE OF BARRY R LIPSITZ
755 MAIN STREET
MONROE, CT 06468



CONFIRMATION NO. 6870

FORMALITIES LETTER



OC000000007680457

Date Mailed: 03/20/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- **The balance due by applicant is \$ 1000.**
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

*A copy of this notice **MUST** be returned with the reply.*

M-WAILE
Customer Service Center

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740.00 PP PP
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01 FC:101
02 FC:105
03 FC:139

20028-001-2989001

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10050862-061702



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GAU, Michel

Serial No.: 10/060,862

Filed: January 30, 2002

For: INTERVERTEBRAL NUCLEUS PROSTHESIS AND
SURGICAL PROCEDURE FOR IMPLANTING THE SAMEAssistant Commissioner for Patents
Washington, D.C. 20231**VERIFICATION OF TRANSLATION**

I, the below named translator, hereby declare that:

My name and post office address are as stated below.

That I am knowledgeable in the English language and in the German language (the language in which the above-identified application was filed), and that the attached English translation is a true, accurate and complete literal translation made by me of the above-identified application as filed.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 8, 2002Full Name of the Translator: Melody Rosemund Moore B.A.Signature of the Translator: Melody R. MoorePost Office Address: Ginsterweg 37
70186 Stuttgart-Buchwald
Germany